

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EVAN BROWN, Individually and on Behalf of All Others Similarly Situated,

Plaintiff,

V.

PAPA MURPHY'S HOLDINGS INC.,  
et al.,

## Defendants.

CASE NO. C19-05514-BHS-JRC

## ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 34. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

(1) The R&R is **ADOPTED**;

(2) Defendant Papa Murphy’s Holdings, Inc. and individually named Defendants (collectively “Papa Murphy Defendants”) motion to dismiss, Dkt. 25, is **GRANTED** and the claims against Papa Murphy Defendants

are dismissed without prejudice and with leave to amend. Plaintiff shall file an amended complaint no later than 30 days from the date of this Order;

(3) Defendant North Point Advisors LLC's ("North Point") motion to dismiss,

Dkt. 26, is **DENIED**; and

(4) Plaintiff's motion to voluntarily dismiss North Point from this action

without prejudice, Dkt. 31, is **GRANTED**.

Dated this 10th day of June, 2020.

  
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BENJAMIN H. SETTLE  
United States District Judge